

06/06/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-491A

NAME AND ADDRESS: DOWNATA RANCH & RECREATION INC
C/O DARLENE DOUNS
PO BOX 185
DOWNEY ID 83234

SOURCE: HOT SPRINGS TRIBUTARY: SINKS
SPRINGS TRIBUTARY: MARSH CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRINGS.

QUANTITY: 1.86 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.94 CFS. COMBINED RIGHT NOS.: 29-00491A,
29-00491B, 29-13338

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.68 CFS. COMBINED RIGHT NOS.: 29-00491A,
29-00491B, 29-04074

PRIORITY DATE: 04/15/1917

POINT OF DIVERSION:

T12S R37E S11 NESE Rediversion Within BANNOCK County

T12S R37E S11 NESE Injection Within BANNOCK County

T12S R37E S12 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.860 CFS
DOMESTIC	01/01 12/31	0.020 CFS
STOCKWATER	01/01 12/31	0.060 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S10	NENE	18.0	T12S R37E S11	NWNE	7.0
T12S R37E S11	SWNE	40.0	T12S R37E S11	SENE	11.0
T12S R37E S11	NENW	9.0	T12S R37E S11	NWNW	15.0
T12S R37E S11	SWNW	15.0	T12S R37E S11	SENW	38.0
T12S R37E S11	NESW	5.0	T12S R37E S11	NESE	7.0
T12S R37E S11	NWSE	19.0			

DOMESTIC Within BANNOCK County

T12S R37E S12 SWSW

STOCKWATER Within BANNOCK County

T12S R37E S11	NESE	T12S R37E S11	SESE
T12S R37E S12	SWSW		

184 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 224 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-2396, 29-00491A, 29-00491B, 29-04074

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

06/06/2002

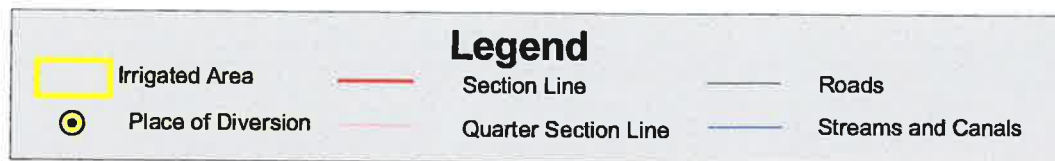
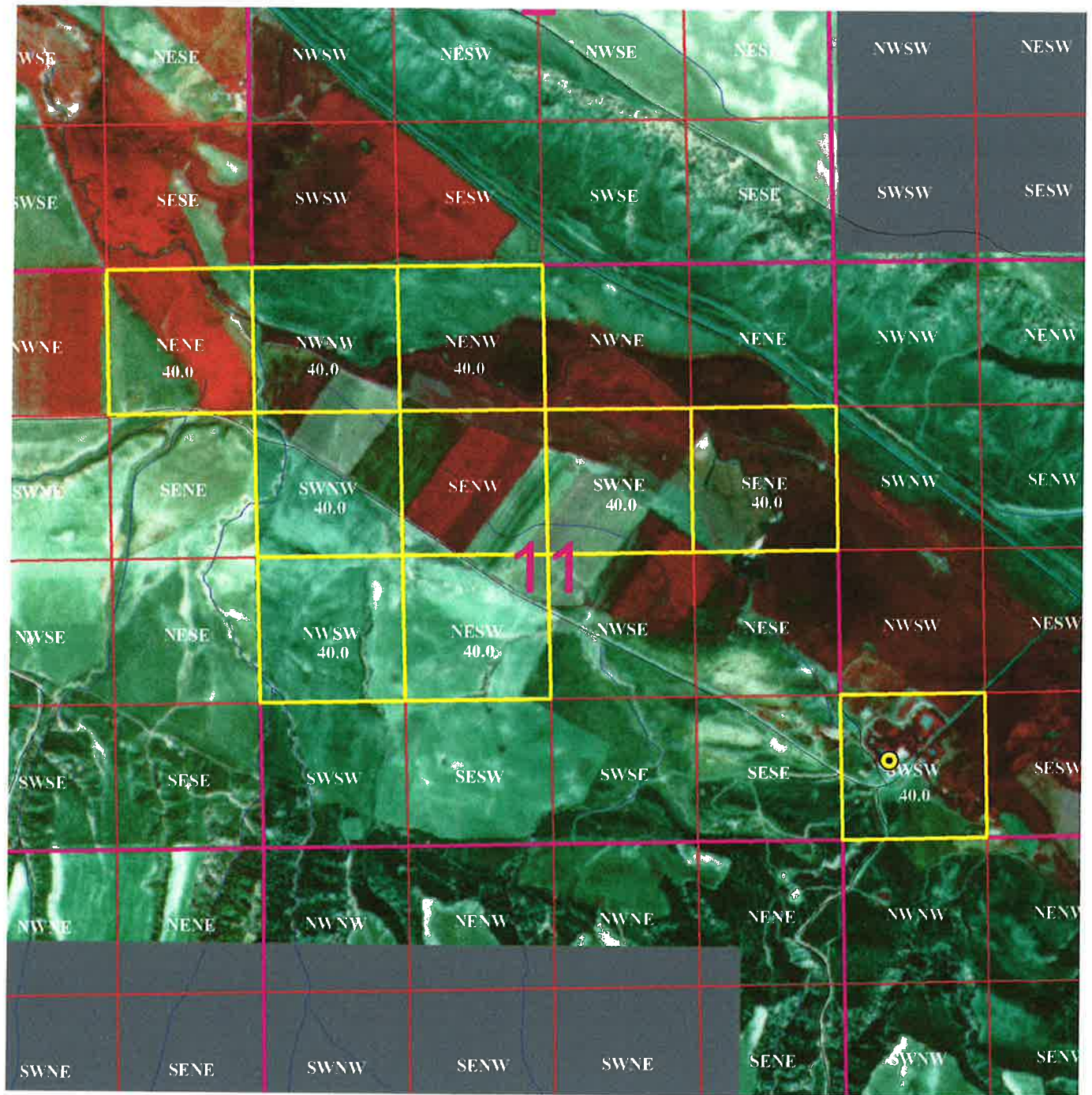
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

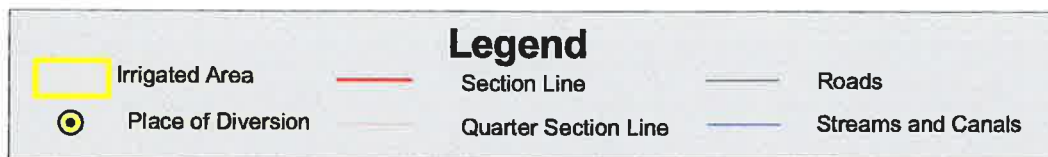
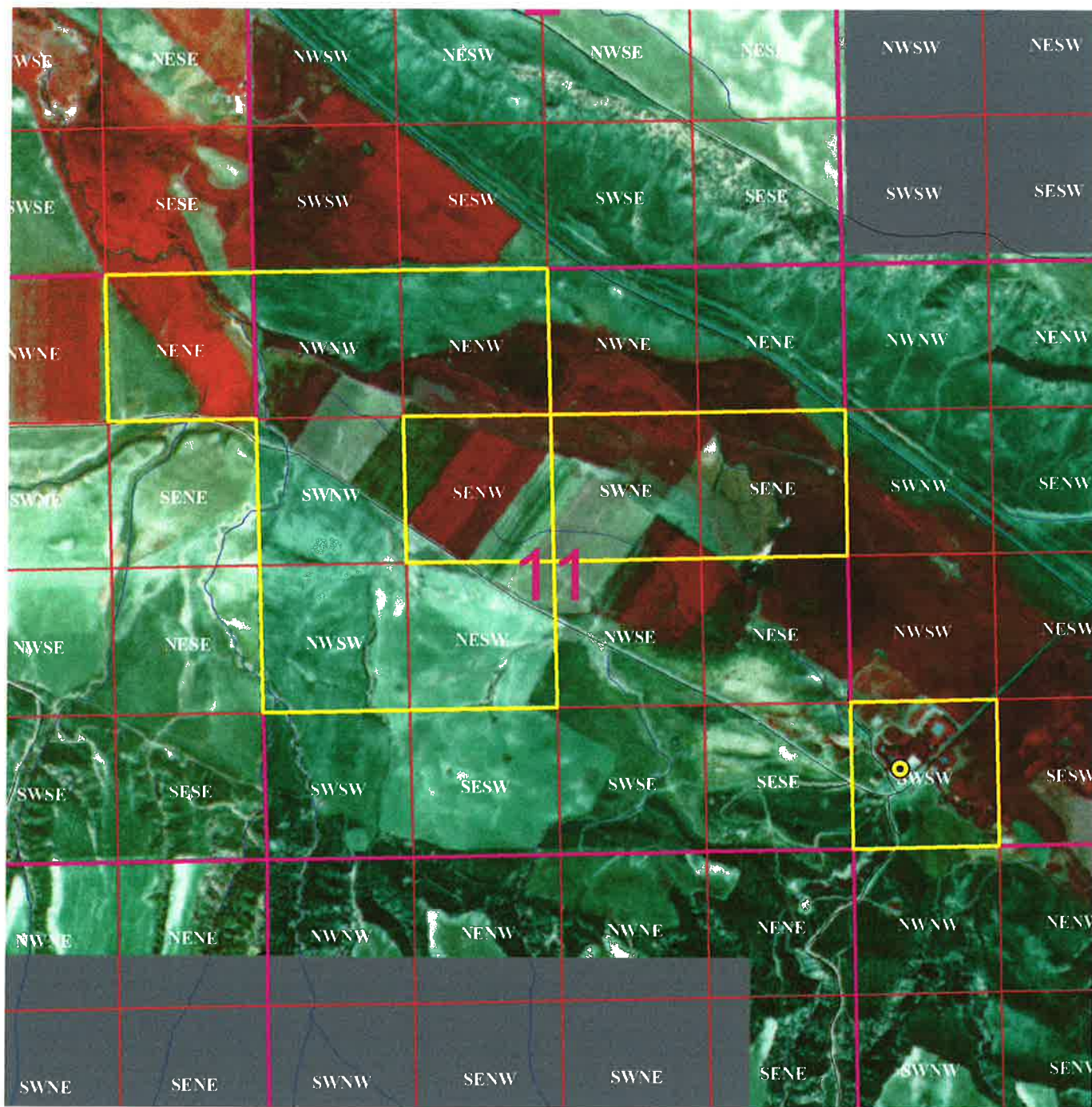
EXPLANATORY MATERIAL: Decreed

STOCKWATER, 250 CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Township , 12S37E



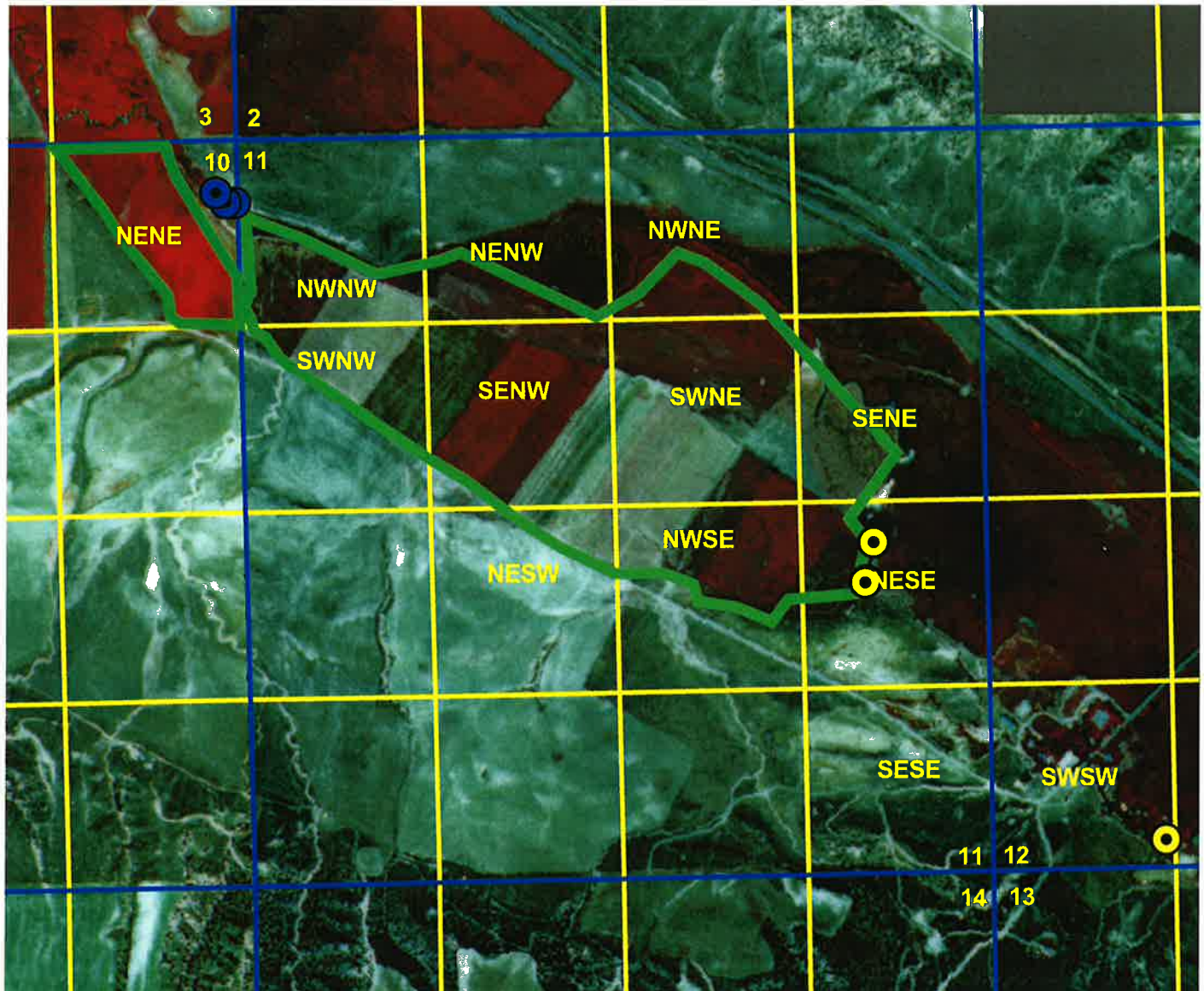
Township , 12S37E



IDAHO DEPARTMENT OF WATER RESOURCES

29-00491A, 29-00491B

T12S, R37E SEC. 10, 11



ACRES IRRIGATED- 184



POINT OF DIVERSION



PLACE OF USE

SCANNED

NOV 30 2005

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

02/20/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-491A

DOWNATA RANCH & RECREATION INC

C/O DARLENE DOWNS

PO BOX 185

DOWNEY ID 83234

Telephone Number: (208) 897-5736

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491B

2. Describe the changes you wish to make in the proposed recommendation:

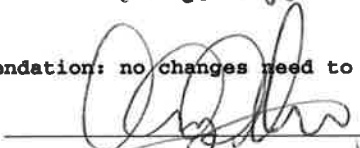
SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491B

3. Give a brief explanation as to why you disagree with these portions:

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491B

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 21 APR 2003

SIGNATURE: 

Please print your name: D. GARY PETERSON ATT4 FOR DOWNATA RANCH & RECREATION, INC.

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
NOV 30 2005

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

Exceptions to water rights nos. 29-491A and 29-491B

IDWR allocates water right no. **29-491A** diversion of 1.86 cfs as follows:

Irrigation	1.86 cfs
Domestic	0.02 cfs
Stockwater	0.06 cfs

The stockwatering right is limited to 250 head of cattle. The irrigation use is the 184 acres listed under water right no. 29-4074.

IDWR allocates water right no. **29-491B** diversion of 0.08 for irrigation of the 184 acres listed under water right no. 29-4074.

Sources, priority dates, and points of diversion are the same for both water rights. Limitations on combined diversion rates with other rights are the same.

Recommendation

For clarification purposes we recommend that IDWR fully allocate 29-491A to irrigation (1.86 cfs) and allocate the 0.08 cfs under 29-491B between the 0.02 cfs domestic use and the 0.06 cfs stockwatering use as follows:

29-491A (1.86 cfs total):	Irrigation	1.86 cfs	(without any allocation to domestic and stockwater)
----------------------------------	------------	----------	---

29-491B (0.08 cfs total)	Domestic	0.02 cfs	(without any allocation to irrigation)
	Stockwater	0.06 cfs	

Limitations on combined diversion rates with other rights remain the same.

Exception to stockwatering place of use

IDWR associates the stockwatering use with the SWSW quarter of Section 12 and the NESE and SESE quarters of Section 11. This is not correct. The cattle drink from Marsh Creek as far upstream as below the resort area and all along the north side of Marsh Creek on down along the acreages associated with water rights nos. 29-4074 and 29-2396. The cattle also drink from both sides of Marsh Creek on the Downata lands lying north of the acreages associated with water right no. 29-2293. The correct sections and quarter/quarters associated with stockwatering would be the following:

Section 3:	SESE, SWSE, NWSE, NESW, NWSW
Section 4:	SESE
Section 10:	NENE
Section 11:	SENE, NENE, NWNE, NENW, NWNW
Section 12:	NESW, NWSW, SWNW

SCANNED
NOV 30 2005

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

JUNE 1, 2001

DEAR MS. DOUNS;

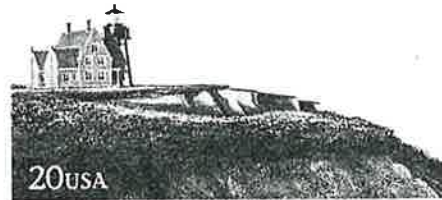
WATER RIGHT NUMBERS A29-00491A, A29-00491B, A29-00492A,
A29-02293, A29-02549, A29-04074, A29-02396 AND A29-07406
HAVE BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF
THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



DOWNATA RANCH & RECREATION INC
C/O DARLEN DOUNS
PO BOX 185
DOWNEY ID 83234

PRINTED

SCANNED
NOV 30 2005

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

- [] Water Right Number(s): A29-00491A A29-04074
A29-00491B A29-07406
A29-00492A A29-02894
A29-02293 A29-2549
- [] Old Mailing Address: ~~A29-02296~~ Downata Ranch & Co
PO c/o Gary Peterson ESP
PO Box 51718 IIT 83405-1718
- [] New Mailing Address: PO Box 185
Downey Idaho 83234
- [] Telephone Number: (208) 897 5736
- [] Signature of Claimant: Charles Downey, Manager
- [] Date: 5/31/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:

SCANNED

NOV 30 2005

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOWNATA RANCH & RECREATION INC
PO BOX 185
DOWNEY ID 83234

RE: CHANGE OF ADDRESS FOR A29-00491A, A29-00491B,
A29-00492A, A29-02293, A29-02396, A29-02549, A29-04074,
A29-07406

Dear Sir or Madam:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Downata Ranch & Recreation Inc
C/O D Gary Peterson ESQ
Hansen Beard Law Firm
Po Box 51718
Idaho Falls ID 83405-1718

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

NOV 30 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 28, 2002

GARY PETERSON
BEARD ST CLAIR GAFFNEY MCNAMARA CALDER
2105 CORONADO
IDAHO FALLS ID 83404

RE: WATER RIGHTS 29-491A, 29-491B, 29-2293, 29-2396, 29-2491, 29-2549,
29-4074, 29-7406, 29-13338

Dear Mr. Peterson:

On May 8, 2002, our office received your letter requesting we add D. Gary Peterson, Roger H. Thompson and Marilyn Gunnel to the above referenced water rights. I have made the change and copies of the claims are enclosed for your files

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Roger H. Thompson
Marilyn Gunnell

PROFILED

SCANNED
NOV 30 2005



THOMPSON
MICHIE
ASSOCIATES,
INC.

May 6, 2002

Mr. Dave Carlson
Idaho Department of Water Resources
Eastern District Office
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED
MAY 08 2002
Department of Water Resources
Eastern Region

Re: Downata Ranch & Recreation Company
Water Rights

Dear Mr. Carlson:

I was advised by Mr. Gary Peterson, Esquire, to increase the number of persons who should be receiving notices with respect to the water rights of Downata Ranch & Recreation Company.

Consequently, with respect to SRBA water rights nos. **29-13338**, **29-2491**, **29-02549**, **29-00491**, **29-07406**, **29-02396**, **29-04074**, **29-02293**, and any other water rights appearing in the name of Downata Ranch and Recreation Company, please add the following names (and addresses) of people to receive notices, to the extent they do not already appear:

D. Gary Peterson, Esquire
Beard St. Clair Gaffney McNamara Calder
2105 Coronado
Idaho Falls, Idaho 83404-7495

Roger H. Thompson, Esquire
Thompson Michie Associates Inc.
111 East Broadway, Suite 1200
Salt Lake City, UT 84111

Marilyn Gunnell
1740 Melwood Drive
Glendale, CA 91207

Sincerely,


Roger H. Thompson

cc. Gary Peterson, Esquire

SCANNED

NOV 30 2005

PROFILED

ROGER H. THOMPSON
EXECUTIVE VICE PRESIDENT
AND GENERAL COUNSEL

111 EAST
BROADWAY
SUITE 1200
SALT LAKE CITY
UTAH 84111
801 532-6143
FAX 801 532-6159

TRUSTEES
OF
AMERICA'S
REAL
ESTATE
MANAGEMENT
CONSULTING
MARKETING

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-491A

WATER RIGHT NUMBER: 29-491A

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON BEARD ST CLAIR GAFFNEY MCNAMARA CALDER 2105 CORONADO IDAHO FALLS, ID 83404
Attorney	DOWNATA RANCH & RECREATION INC C/O ROGER H THOMPSON THOMPSON MICHIE ASSOCIATES INC 111 E BROADWAY STE 1200 SALT LAKE CITY, UT 84111
Representative	DOWNATA RANCH & RECREATION INC C/O MARILYN GUNNELL 1740 MELWOOD DR GLENDALE, CA 91207
Current Owner	DOWNATA RANCH & RECREATION INC C/O DARLENE DOUNS PO BOX 185 DOWNEY, ID 83234 (208) 897-5736
Original Owner	WILHAM C UNDERWOOD , ID

Priority Date: 04/15/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HOT SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.060 CFS	
RECREATION	1/01 to 12/31	1.860 CFS	
IRRIGATION	4/01 to 11/01	1.780 CFS	
DOMESTIC	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		1.860 CFS	

Location of Point(s) of Diversion

HOT SPRINGS	SW1/4SW1/4	Sec. 12, Twp 12S, Rge 37E, B.M.
BANNOCK County		

Place of UseSTOCKWATER Within BANNOCK County

T12S R37E S10	NENE	T12S R37E S11	SWNE
T12S R37E S11	SENE	T12S R37E S11	NENW
T12S R37E S11	NWNW	T12S R37E S11	SWNW
T12S R37E S11	NESW	T12S R37E S11	NWSW

SCANNED
NOV 30 2005

FILED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-491A

IRRIGATION Within BANNOCK County

T12S R37E S10	NENE	40.0	T12S R37E S11	SWNE	40.0
T12S R37E S11	SENE	40.0	T12S R37E S11	NENW	40.0
T12S R37E S11	NWNW	40.0	T12S R37E S11	SWNW	18.0
T12S R37E S11	NESW	32.0	T12S R37E S11	NWSW	25.0
T12S R37E S12	SWSW	40.0			

Total Acres: 315

RECREATION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General AS PER TRANS. 1084.
SEE REMARKS IN A29-00492

Dates and Other Information:

Claim Received Date: A
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

FILED

SCANNED
NOV 30 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR BANNOCK COUNTY.

William C. Underwood,
Plaintiff

vs.

Alexander Marshall,
Defendant.

DECREE.

RECEIVED

MAR 1 1967

Department of Reclamation

This cause came on regularly for trial the 28th day of March, 1917, upon the complaint of the plaintiff and answer and cross-complaint of the defendant and the plaintiff's answer to said cross-complaint, Budge & Merrill appearing as attorneys for the plaintiff, and C. D. Smith, Esquire, and J. H. Peterson, Esquire, appearing as attorneys for the defendant and cross-complainant. The court having heard the evidence of the respective parties and the arguments of counsel, and being fully advised in the premises, and findings of fact and conclusions of law having been waived by stipulation of the parties:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff's right and title to all of the waters of that certain group of springs commonly known and called the Hot Springs, situated within the southwest quarter of section twelve (12), township twelve (12), south, range thirty-seven (37) east, Boise Meridian,--the approximate flow of which is two cubic feet per second,--save and except three miner's inches hereinafter decreed to the cross-complainant, be, and the same hereby is quieted and established against the said defendant, Alexander Marshall, and all persons claiming or to claim by, through or under him, and the said Alexander Marshall is hereby permanently restrained and enjoined from diverting or using any of said waters of said springs for any purpose whatsoever, save and except three miner's inches hereinafter decreed to him, and from interfering in any way with the plaintiff's free use and enjoyment of the waters of said springs for culinary and domestic purposes, for the watering of livestock and for their irrigation of the following described lands of the plaintiff, to-wit:

The southwest quarter of the southwest quarter of section 12, the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the northeast quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northwest quarter of section 11, and the northeast quarter of the northeast quarter of section 10, all in township 12 south, range 37 east, Boise Meridian.

And the plaintiff, William C. Underwood, is further decreed the right to clean out said springs and each and all of them, and to repair the dams and ditch leading therefrom, in order to secure the free and full flow of the waters of said springs down to his said lands, and the defendant, Alexander Marshall, is hereby permanently restrained and enjoined from interfering with the said plaintiff in cleaning out said springs or the

29 TS
Devoted to Hot Springs
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO,
IN AND FOR BANNOCK COUNTY.

William C. Underwood
Plaintiff

vs.

Alexander Marshall,
Defendant.

DECREE

This cause came on regularly for trial the 28th day of March, 1917, upon the complaint of the plaintiff and answer and cross-complaint of the defendant and the plaintiff's answer to said cross-complaint, Budge & Merrill appearing as attorneys for the defendant and cross-complaint. The court having heard the evidence of the respective parties and the arguments of counsel, and being fully advised in the premises, and findings of fact and conclusions of law having been waived by stipulation of the parties:

29-0491

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff's right and title to all of the waters of that certain group of springs commonly known and called the Hot Springs, situated within the southwest quarter of section twelve (12), township twelve (12), south, range thirty-seven (37) east, Boise Meridian, the approximate flow of which is two cubic feet per second, save and except three miner's inches hereinafter decreed to the cross-complainant, be, and the same hereby is quieted and established against the said defendant, Alexander Marshall, and all persons claiming or to claim by, through or under him and the said Alexander Marshall is hereby permanently retained and enjoined from diverting or using any of said waters of said springs for any purpose whatsoever, save and except three miner's inches hereinafter decreed to him, and from interfering in any way with the plaintiff's free use and enjoyment of the waters of said springs for culinary and domestic purposes, for the watering of livestock and for the irrigation of the following described lands of the plaintiff, to-wit:

The southwest quarter of the southwest quarter of section 12, the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the northeast quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the northwest

ter, and the northwest quarter of the northwest quarter of section 11,
the northeast quarter of the northeast quarter of section 10, all in
ship 12 south, range 37 east, Boise Meridian.

And the plaintiff, William C. Underwood, is further decreed the right
clean out said springs and each and all of them, and to repair the dams and
ch leading therefrom, in order to secure the free and full flow of the waters
said springs down to his said lands, and the defendant, Alexander Marshall,
hereby permanently restrained and enjoined from in any manner interfering
h the said plaintiff in cleaning out said springs or the channels thereof
the purposes aforesaid.

It is further ordered, adjudged and decreed that the defendant and
cross-complainant has no right, title, or interest in and to the waters of
id spring for commercial bathing and he is hereby permanently restrained and
joined from diverting said waters of any of them for such purposes or in any
anner polluting the waters of said springs by such or any other use.

It is further ordered, adjudged, and decreed that the defendant 29-0492
d cross-complainant, Alexander Marshall, has the right of even date with the
aintiff, William C. Underwood, to three miner's inches of waters of said springs
ereinbefore described for the irrigation of garden and orchard upon the south-
est quarter of the southwest quarter, the east half of the southwest quarter of
ection 12, the northeast quarter of the northwest quarter of section 13, all in
ownship 12 south, range 37 east, Boise Meridian, the said waters to be diverted
rcm said springs or the channels thereof through a measuring device, to be
onstructed and installed by, and at the expense of the said Marshall, which
shall at all times be subject to the inspection of the said William C. Underwood,
and the right and title of the said Alexander Marshall to the said three miner's
inches is hereby quieted and established against the plaintiff and all persons
claiming or to claim by, through or under him, and the plaintiff is hereby
permanently restrained and enjoined from in any manner interfering with the said
defendant and cross-complaintant in the free use and enjoyment of the said three
miner's inches herein decreed to him.

It is further ordered, adjudged and decreed that the plaintiff do have
and recover his costs herein incurred, taxed at 152.20.

Service of copy acknowledge this 19th day of April, J. J. Goheen, District Judge
1917, C.D. Smith, Atty. for defendant.

WR5809NP
No. 29-00491A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/02
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILHAM C. UNDERWOOD	04/15/1917	IRRIGATION STOCKWATER DOMESTIC	00/00 00/00 00/00 00/00 00/00 00/00	1.780 CFS	
TOTAL DIVERSION:					1.860 CFS	

Water Source: HOT SPRINGS

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T12S R37E S12

SWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	37E	10	:	I																:	
12S	37E	11	:			I		I		I		I						I		:	
12S	37E	12	:											I						:	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BANNOCK

Remarks: GEN AS PER TRANS. 1084.

Dates:	App. Received:	Priority Date:	04/15/1917
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
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Audit: 05/06/86 05/22/88 CONVERT

JUN 04 2001

Log for claim A29-00491A

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	10	NENE	40	40	
12s37e	11	SWNE	40	40	
12s37e	11	SENE	40	40	
12s37e	11	NENW	40	40	
12s37e	11	NWNW	40	40	
12s37e	11	SWNW	18	40	Permissible place of use?
12s37e	11	NESW	32	40	Permissible place of use?
12s37e	11	NWSW	25	40	Permissible place of use?
12s37e	12	SWSW	40	40	
Totals:			315	360	

AJ5809NP
No. A29-00491A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON ESQ HANSEN BEARD LAW FIRM PO BOX 51718 IDAHO FALLS ID 834051718 (208) 523-5171	04/15/1917	IRRIGATION STOCKWATER DOMESTIC RECREATION	04-01 11-01 01-01 12-31 01-01 12-31 01-01 12-31	1.780 CFS 0.060 CFS 0.020 CFS 1.860 CFS	
TOTAL DIVERSION:					1.860 CFS	

Water Source: HOT SPRINGS

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T12S R37E S12

SWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12S	37E	10	:	40				:					:					:					:	40.0
12S	37E	11	:			40	40	:	40	40	18		:	32	25			:					:	235.0
12S	37E	12	:					:					:			40		:					:	40.0
TOTAL ACRES																							315.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12S	37E	10	:	S				:					:					:					:	
12S	37E	11	:			S	S	:	S	S	S		:	S	S			:					:	

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Place of use location for RECREATION is the same location as described for: STOCKWATER

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 250 HEAD CATTLE

Other Rights: 29-04074, 02396, 00491B, 00492

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00492 A29-00492A A29-02549 A29-11054

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00491B A29-00492 A29-00492A A29-02396 A29-02549 A29-04074 A29-11054

Remarks: GEN AS PER TRANS. 1084.
SEE REMARKS IN A29-00492

AJ5809NP
No. A29-00491A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 31

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	09/17/93 THOMPSON	03/29/95 POST-STD	

JUN 04 2001

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00491A

Date Received: 9/17/1993

Receipt No: E014030

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DOWNATA RANCH & RECREATION INC 208-523-5171
Address: C/O D GARY PETERSON ESQ
HANSEN BEARD LAW FIRM
PO BOX 51718
IDAHO FALLS ID 83405-1718

2. Date of Priority: APR 15, 1917

3. Source: HOT SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	12	SW	SW			BANNOCK

5. Description of diverting works:
SPRING BOX AND COLLECTION PIPE TO DOWNATA HOT SPGS SWIMMING POOL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.780		
STOCKWATER	01/01	12/31	0.060		
DOMESTIC	01/01	12/31	0.020		
RECREATION	01/01	12/31	1.860		

7. Total Quantity Appropriated is:
1.860 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 250 HEAD CATTLE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	10	NE	NE		IRR	40.0
			NE	NE		STOCK	
			Section Acres				40.0
		11	SW	NE		IRR	40.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
			NE	NW		IRR	40.0
			NE	NW		STOCK	
			NW	NW		IRR	40.0
			NW	NW		STOCK	
			SW	NW		IRR	18.0
			SW	NW		STOCK	
			NE	SW		IRR	32.0
			NE	SW		STOCK	
			NW	SW		IRR	25.0
			NW	SW		STOCK	
			Section Acres				235.0
		12	SW	SW		IRR	40.0
			Section Acres				40.0
			Total Acres				315.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

29-04074, 02396, 00491B, 00492

14. Remarks:

AS PER TRANS. 1084.

SEE REMARKS IN A29-00492

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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APR 12 1994

WILLIAM C. UNDERWOOD
Decree Plaintiff

ALEXANDER MARSHALL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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APR 12 1994

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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29-00491A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A29-00491A

Date Received

5-1-90/80

Receipt Number

E014030/80

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 01 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Downata Ranch & Recreation, Inc. Phone (208) 523-5171
c/o D. Gary Peterson, Esq. - Hansen Beard Law Firm
Mailing Address P.O. Box 51718, Idaho Falls, Idaho Zip 83405-1718

2. Date of Priority (Only one (1) per claim) April 15, 1917

3. Source of water supply (a) Hot Springs
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 12S Range 37E Section 12,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: SE 1/4 SW 1/4 Section 12 (29-00491B)

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Spring box and collection pipe
for distribution to Downata Hot Springs resort swimming pool.

A2900491A



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 1.78 or _____
 For Stockwater purposes from 1-1 to 12-31 amount 0.06 or _____
 For Domestic purposes from 1-1 to 12-31 amount 0.02 or _____
 For Recreational purposes from 1-1 to 12-31 amount 1.86 or (nonconsumptive)

7. Total quantity claimed (a) 1.86 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is (see Item 14 below) acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater=up to 250 head Hereford. Domestic=one household.
Recreational=see Item 14.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	37E	10	40																40
12S	37E	11			40	40	40	40	18		32	25							235
12S	37E	12											40						40
12S	37E	12											SDR						
12S	37E	11			S	S	S	S	S		S	S							
12S	37E	10	S																

Total number of acres irrigated 315

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

IDWR No. 29-04074 29-02396 29-00491B 29-00492 or None ()

14. Remarks:

This water right provides for irrigation of the yellow area on the map,
page 3. Presently the entire hot spring is first piped to the resort's
swimming pool facility where it is used to fill the swimming pool and
provide hot water. After this recreational use, the water drains into
what is known as Big Spring where it is available for irrigation
of the yellow-marked area. Irrigation is done through the Big Spring
pump (water right No. 29-04074) and Marsh Creek pump (water right
No. 29-02396). Stockwatering is out of Marsh Creek which takes hot springs
overflow.
 Last Name Downata Ranch Ident No. _____
& Recreation, Inc. Copies: White -State, Yellow-Claimant

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 29-00491A
Court Bannock County Case Number None Decree Date 4-15-1917
Plaintiff vs Defendant William G. Underwood v. Alexander Marshall

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am assistant secretary

Title

of Downata Ranch & Recreation, Inc.

Organization

, that I have signed the foregoing

document in the space below as assistant secretary of Downata Ranch & Recreation, Inc.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

D. Gary Peterson

Title and Organization Assistant Secretary - Downata Ranch & Recreation, Inc. Date 4/26/90

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th / day of April 19 90

SEAL

Notary Public

Residing at Idaho Falls, Idaho

My Commission Expires 6-14-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, D. Gary Peterson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address Hansen, Beard, Martin & St. Clair, Chartered, P.O. Box 51718, Idaho Falls, Idaho 83405-1718

Date 4/26/90

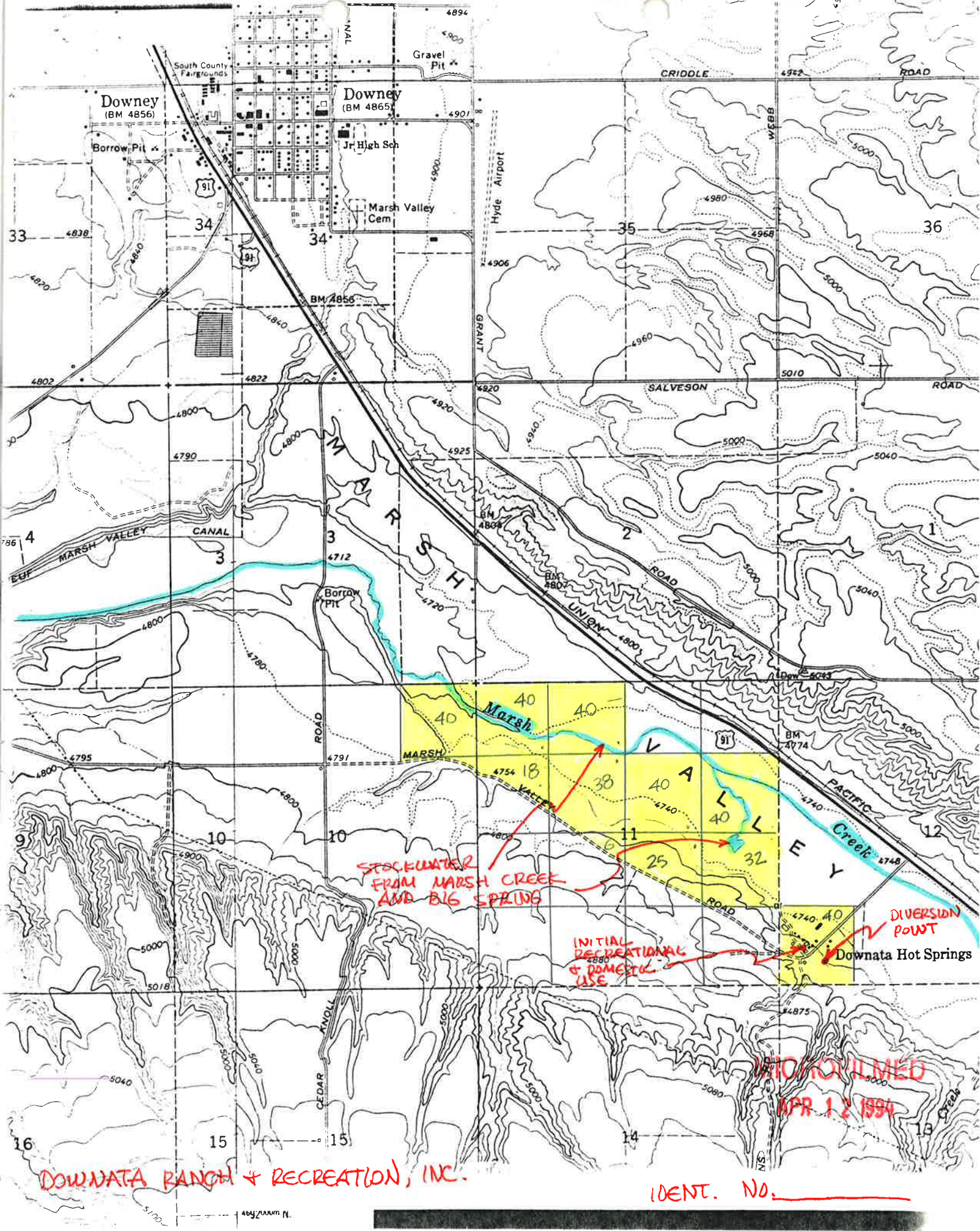
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APR 12 1994

Last Name Downata Ranch & Recreation, Inc. Ident. Number _____

Copies White-State, Yellow-Claimant

T. 12 S. R. 37 E. B.M.



DOWNATA RANCH & RECREATION, INC.

IDENT. NO. _____